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9/12/22

## United States District Court

for the

WESTERN

DISTRICT OF

OKLAHOMA

United States of America

v.

Nathan Benfall

)  
)  
)  
)  
)Case No: M-22-675-AMG

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between in or about July 2018 and on or about September 6, 2022, in the Western District of Oklahoma, the defendant  
violated:

## Code Section

18 U.S.C. § 2251 (a) and (e)

## Offense Description

Sexual exploitation and attempted sexual exploitation

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Marisol Flores, FBI, which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.

Complainant's signature

Marisol Flores  
Special Agent  
Federal Bureau of Investigations

Sworn to before me and signed in my presence.

Date: 9/12/22City and State: Oklahoma City, Oklahoma

Judge's signature

Amanda Maxfield Green, U.S. Magistrate Judge  
Printed name and title

**THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Marisol Flores, a Special Agent with the Federal Bureau of Investigation (FBI),  
Oklahoma City, Oklahoma, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since May 2015 and have been assigned to the Oklahoma City FBI Field Office. During that time, I have conducted a wide variety of investigations, including numerous cases involving child pornography and sexual exploitation of children.

2. As a Special Agent, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

3. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and review of documents and records. This affidavit is made in support of a criminal complaint and arrest warrant charging NATHAN BENFALL ("Benfall") with production and attempted production of child pornography, in violation of Title 18, United States Code, Section 2251(a) and (e).

4. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint and warrant, I have not included each and every fact known to me regarding this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that a violation of the federal law identified above has occurred.

**STATEMENT OF PROBABLE CAUSE**

5. On April 1, 2022, law enforcement conducted an online undercover investigation

to identify individuals possessing and sharing child pornography on the Internet using the BitTorrent P2P network. Law enforcement used a P2P file-sharing program that utilizes a single-source download process. Law enforcement directed their focus to a computer using IP address 72.202.187.89 because it was associated with a torrent file which referenced 5971 files, at least one of which had been identified as a file of interest in child pornography investigations.

6. On April 1, 2022, between 21:19 and 23:45 hours, Central Standard Time, law enforcement completed single-source downloads of approximately 6 files that the device using IP address 72.202.187.89 was making available for others to download on the BitTorrent network. Each of the files was downloaded directly from the device using IP address 72.202.187.89. Based upon my training and experience, I determined several of these files depict children under the age of eighteen years engaged in lascivious exhibitions of the genitals that constitute child pornography as defined by Title 18, U.S.C. § 2256. Two of these files are described below:

- a. Filename: kinderficker pthc hussyfan i fuck my step doughter jenniefer sofie she cries realy good(2).mpg  
Description: This video depicts a prepubescent female naked from the mid-section down, while an adult male's erect penis is penetrating her vagina. At the end of the video the camera pans to the upper body of the child, who is wearing a white, sleeveless shirt. The child is covering her eyes with both of her hands. The video is 23 seconds in length.
- b. File name: PTHC - 11yr old fingered and fucked, very tight pussy.1.mpg  
Description: This video depicts a prepubescent female's vagina being penetrated by the right hand index finger of another individual. During the video, the individual uses fingers of both hands to open the child's vagina. Then, the individual resumes penetrating the child's vagina with their right index finger. The individual proceeds to touch the anus of the child with their right index finger. At the end of the video, the individual is seen positioning themselves and their erect penis in front of the child's exposed vagina. This video is 50 seconds in length.

7. I determined that Cox Communications, Inc. was the Internet service provider for IP address 72.202.187.89. Pursuant to an administrative subpoena, on May 16, 2022, Cox Communications, Inc. provided the following Internet subscriber information for the IP address

72.202.187.89 on the date and times of the downloads described above:

Name: Nathan Benfall  
Address: 2227 NW 38th St.  
Oklahoma City, Oklahoma 73112  
Phone: (405) 974-8392  
Activation Date: 06/10/2017  
Account Status: Active

8. On April 3, 2022, law enforcement conducted another online undercover investigation on a computer using the IP address 72.202.187.89 because it was associated with a torrent file which referenced 61 files, at least one of which had been identified as a file of interest in child pornography investigations.

9. On April 3, 2022, between 23:17 and 23:39 hours, Central Daylight Savings Time, law enforcement completed single-source downloads of approximately 15 files that the device using IP address 72.202.187.89 was making available for others to download on the BitTorrent network. Each of the files was downloaded directly from the device using IP address 72.202.187.89. Based upon my training and experience, I determined that several of these files depict children under the age of eighteen years engaged in lascivious exhibitions of the genitals that constitute child pornography as defined by Title 18, U.S.C. § 2256. Two of these files are described below:

- a. Filename: P101-Webcam – 12Yo Boy Get Sucked-Bibcam-Webcamboy - Fxg Older Brother Sucks Off His Preteen Bro T.avi  
Description: This video depicts a prepubescent boy, naked on a bed with white sheets. An individual is sucking on the boy's erect penis. The video is 2 minutes and 47 seconds in length.
- b. Filename: (PTHC) 9Yo Niece – Backfuck.mpg  
Description: This video depicts a prepubescent female on her knees, naked from the waist down with her anus and vagina exposed. An adult male's penis is being inserted in the child's vagina from behind. The child is wearing a long sleeve shirt that is white and red in color. The video display did not show a time, but the video size is 9.43 MB.

10. After further investigation, I determined that Nathan Benfall likely resided at 2227 NW 38th Street, Oklahoma City, Oklahoma 73112 (the "SUBJECT PREMISES"). Investigation revealed that Benfall has had utilities at the SUBJECT PREMISES since May 31, 2017, to the present. Benfall's Oklahoma driver's license, issued on August 12, 2021, listed the SUBJECT PREMISES as his address. On August 18, 2022, law enforcement observed a silver Volkswagen Passat bearing Oklahoma license plate KVV-849 parked on the curb of the SUBJECT PREMISES. A records check revealed the vehicle is registered to Nathan Benfall at the SUBJECT PREMISES. On August 18, 2022, a pole camera, which captures the public view of the SUBJECT PREMISES, was installed. On August 22, 2022, law enforcement observed on the pole camera a gray Ford Escape bearing Oklahoma license plate JER-286 at the SUBJECT PREMISES. A records check revealed the vehicle is registered to Nathan Benfall at the SUBJECT PREMISES. During review of pole camera footage in late August 2022 through August 30, 2022, law enforcement observed a male matching the driver's license photo and description of Nathan Benfall at the SUBJECT PREMISES, and operating both vehicles at different times.

11. On September 6, 2022, a federal search and seizure warrant I acquired was executed by FBI agents at the SUBJECT PREMISES.<sup>1</sup>

12. During the search, agents placed Benfall inside a law enforcement vehicle. Security camera footage from the vehicle revealed Benfall remove from his person a previously undetected cell phone and delete at least one application or "app" from the cell phone.

13. Agents subsequently seized the cell phone from Benfall. I previewed the contents of the cellular phone while the cellular phone was on airplane mode, and identified several videos of child pornography under downloads, including:

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<sup>1</sup> Magistrate Judge Gary M. Purcell authorized the search warrant.

- One video of a naked prepubescent male masturbating, exposing his penis.
- One video of a prepubescent male and a male of an indeterminate age in a room with white background. Both are masturbating and exposing their penis. The prepubescent male masturbates the male of an indeterminate age and vice versa.

14. During the initial forensic review of Benfall's cell phone by FBI's Computer Analysis Response Team, it was determined the application Benfall uninstalled from his cell phone described in paragraph 12, was the "eccam" application. The "eccam" application can be used to review cameras remotely.

15. On September 12, 2022 (today), I reviewed an 8GB SanDisk microSD card that was seized from Benfall's bedroom during the execution of the search warrant. There were three images of child pornography on this item. I recognized the background in each image as the downstairs bathroom of the SUBJECT PREMISES. All three images had the name "WYZE" stamped on the image with a date and time. "Wyze" is a company that offers smart home cameras and devices. Two of the images have a date of November 11, 2019, and one image has a date of November 12, 2019. In all three images, a minor male is completely naked. One of the images shows a minor male standing in the bathtub naked, while the other two images show a minor male stepping outside of the bathtub naked.

16. On September 12, 2022, I began a review of a black and red SanDisk USB that was seized from Benfall's bedroom during the execution of the search warrant. During the review, several videos of the downstairs bathroom of the SUBJECT PREMISES were observed. In those videos, minor males were seen with their penises exposed, urinating. There was stamp indicating these videos were from July of 2018.

17. I believe the images described in the preceding two paragraphs were produced by Benfall using a hidden camera in his bathroom. Agents did not seize any type of cameras at the

SUBJECT PREMISES during their search on September 6, 2022.

18. I believe that I have identified one of the boys in the images in paragraph 15 as a particular boy who I know spent time at the SUBJECT PREMISES in 2019.

19. Based on Internet research I conducted today, I believe that the two aforementioned SanDisk brand devices were manufactured outside of the state of Oklahoma.

**CONCLUSION**

20. For the reasons set forth above, there is probable cause to believe that NATHAN BENFALL committed the aforementioned offenses, and I request that a warrant be issued for his arrest.

Respectfully submitted,



Marisol Flores  
Special Agent  
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of September, 2022.



Amanda Maxfield Green  
United States Magistrate Judge